

REMARKS

Claims 14 and 16-21 are pending in this application.

Applicant has amended claims 14 and 16-20, has canceled claim 15, and has added new claim 21. The changes to the claims made herein do not introduce any new matter.

Rejection Under 35 U.S.C. § 102

Applicant respectfully requests reconsideration of the rejection of claims 14, 15, 19, and 20 under 35 U.S.C. § 102(e) as being anticipated by *Uchino et al.* (“*Uchino*”) (US 2002/0008771 A1) (as noted above, claim 15 has been canceled). As will be explained in more detail below, the *Uchino* reference does not disclose each and every feature of the subject matter defined in independent claims 14, 19, and 20, as amended herein.

Applicant has amended each of independent claims 14, 19, and 20 to specify the following features:

- 1) the picture quality adjusting unit (or the corresponding method operation or function) adjusts the lightness of the whole image to a degree; and
- 2) the degree of the adjustment of the lightness of the whole image varies in response to the light metering mode information.

The *Uchino* reference, which discloses a digital camera and an image processing apparatus, does not disclose (or suggest) the above-listed features. In particular, for image corrections according to spot metering and multi-area metering, *Uchino* refers to a metering area of a different size and makes the image correction to a target area of a different size. Moreover, *Uchino* intends to make only such corrections. To be more specific, *Uchino* does not disclose that the degree of correction adapted to spot metering is smaller than the degree of correction adapted to multi-area metering.

Further, in the configuration of *Uchino*, even if a target area for image correction adapted to multi-area metering is larger than that adapted to spot metering, according to the

multi-area metering, the image correction needs to be made individually to each divided area (see Paragraph [0068] and step S44 in Figure 10). This means that the image correction is not always made to a larger degree, according to the multi-area metering.

Thus, for at least the foregoing reasons, the *Uchino* reference does not disclose each and every feature of present claims 14, 19, and 20.

Accordingly, independent claims 14, 19, and 20, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Uchino*.

Rejection Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over *Uchino*. Each of claims 16-18 ultimately depends from independent claim 14. The deficiencies of the *Uchino* reference relative to the subject matter defined in present claim 14 are discussed above in connection with the anticipation rejection. Nothing in the *Uchino* reference cures the above-discussed deficiencies of this reference relative to the subject matter defined in present claim 14.

Accordingly, claims 16-18, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Uchino* for at least the reason that they ultimately depend from claim 14.

New Claim

As noted above, Applicant has added new claim 21. Claim 21 defines further features of the image output apparatus of claim 14. In particular, claim 21 specifies that the picture quality adjusting unit of the image output apparatus includes a degree determining unit that determines the degree according to a difference between reflectivity of the whole image and a prescribed reference value, and a degree reducing unit that reduces the determined degree to adjust the lightness when the light metering mode information shows a light metering mode measuring a part of the image. Claim 21 is believed to be patentable under 35 U.S.C. §§ 102 and 103 over *Uchino*.

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Conclusion

In view of the foregoing, Applicant respectfully requests reexamination and reconsideration of claims 14 and 16-20, as amended herein, and examination of claim 21, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP133).

Respectfully submitted,
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